THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20487 of 2006

Dated:01.12.2006

Between
Dilsukhnagar Shopping Complex
Allottees Welfare Association,
Rep., by its President M.Mallayya

.....Petitioner

and

1.The Dist Scheduled Caste Service
Cooperative Society Ltd., rep., by its
Chairman/District Collector, Station
Road, Nampally, Hyderabad and others.

…Respondents

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ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondent-society in enhancing the rent for each shop in Dilsukhnagar Shopping Complex from Rs.520-/ to Rs.1500/- under the impugned proceedings in Rc.No.P1/742/Shop.Comp/05-06 dated 17.11.2005 as arbitrary and illegal.

It is the case of the petitioner that it is a welfare association of Dilsukhnagar Shopping Complex allottees, the shopping complex was initially opened in the year 1988, members of the petitioner-association were allotted shops and the rent against each shop was fixed at Rs.50/-. It is submitted that the respondent-society has been enhancing the rent from time to time and continuing

the members of the petitioner-association. In 1996, the rent was enhanced to 500/- from Rs.200/-. Aggrieved by the same, the petitioner-association filed a writ petition being No.13741 of 1996 before this Court, and the same was disposed of directing the petitioner to make a representation to the concerned authority. In view of the same, the petitioner-association made a representation to the respondent-society and the respondents have sympathetically considered and reduced the rent from Rs.500/- to Rs.400/- on condition that the tenants shall pay 10% increase for every three years, and now, i.e., in 2005 the rent was enhanced to 1500/- under the impugned proceedings.

Learned counsel for the petitioner strenuously contended that the respondent being a State within the meaning of Article 12 of the Constitution of India, is not supposed to enhance the rents arbitrarily and without putting the petitioner on notice.

Be that as it may, I am of the opinion that the very writ petiton is not maintainable since it is a

policy decision taken by the respondent-society under the impugned proceedings dated 17.11.2005. The petitioner could not make any grounds for interference by this Court under Article 226 of the Constitution of India. It is not the case of the petitioner-association that the respondent-society has no authority to pass such a resolution. The respondent-society has got every right to enhance the rent and they have done so in their wisdom. If the petitioner-association is aggrieved by the enhancement, it is always open for it to work out its remedies as available under the law and it cannot question the enhancement under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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01-12-2006

rkk